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SEP 25 2006

In re Application of ONO et al

Appl. No.: 10/800,714

Filed: March 16, 2004

For: SLEEP APNEA SYNDROME DIAGNOSING
DEVICE AND SIGNAL ANALYZER AND
METHODS THEREOF

:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.59**
:
:
:
:
:

This is a decision on the petition under 37 CFR 1.59(b), filed August 17, 2005, to expunge information from the above identified application. The petition included a check for \$130, the requisite fee under 37 CFR 1.17(h). Office records indicate a fee of \$130 has been paid.

Petitions to expunge require a fee of \$200 as set forth in 37 CFR 1.59 and 37 CFR 1.17(g). No authorization to charge the fee deficiency is seen in the file.

The petition is dismissed.

Petitioner requests that the Information Disclosure Statement filed July 27, 2005, be expunged from the record. Petitioner alleges the IDS was not intended for the instant application.

The petition is deficient because:

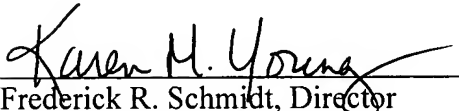
1. The petition fails to state that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted.
2. The petition fails to state that the information has not otherwise been made public.
3. The petition does not contain a commitment on the part of petitioner to retain the information to be expunged for the life of any patent with regard to which such information has been submitted.

4. The petition does not contain the appropriate fee as required under 37 CFR 1.17 (g).

Petitioner may request reconsideration of the petition. Any such request must be resubmitted within two months of the mailing date of this decision and supply the omitted statements and omitted fee. See MPEP 724.05II

Any questions regarding this petition decision should be directed to Jessica Harrison, Technology Center 3700 Special Programs Examiner at 571-272-4449.

PETITION DISMISSED.

for 

Frederick R. Schmidt, Director
Technology Center 3700